

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 25, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins

Commissioners Absent: Ray Stevens

Others Resent: Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 18, 2006.**

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on April 18, 2006. Hudkins, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. One-time cash awards, in the amount of \$750 each, for Bob Bourke and Mike Lee, employees in the Property Management Department, due to exceptional circumstances.

Don Killeen, Property Management Administrator, appeared and gave a brief overview of the circumstances.

MOTION: Hudkins moved and Heier seconded approval of one-time cash awards, in the amount of \$750 each, for Bob Bourke and Mike Lee, employees in the Property Management Department, due to exceptional circumstances. Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS CONTINUED:**

B. Region V Annual Report - Dave Merrill, Executive Director, and C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism and Drug Abuse Program

Dave Merrill, Executive Director for Region V Services, gave a brief overview and distributed copies of the 2005 Annual Report for Region V Services (Exhibit 1).

C.J. Johnson, Regional Program Administrator, disseminated the Lancaster County Annual Report (Exhibit 2) and discussed the Region V Systems report.

C. A resolution in the matter of declaring the week of April 24 through April 28, 2006 as Lancaster County Crime Victims' Rights Week. (R-06-0039)

Appearing were Joanna Svoboda-Briggs, Kathy Stevenson, Ossi Maza, Jody Brott and Pat Westendorf, with the Lincoln Police Department's Victim Witness Unit.

The Deputy Clerk read Resolution 06-0039 into the record.

MOTION: Workman moved and Hudkins seconded approval of Resolution 06-0039 in the matter of declaring the week of April 24 through April 28, 2006 as Lancaster County Crime Victims' Rights Week. Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

Presented to the County Board by the Victim Witness Unit was a certificate of appreciation for outstanding support to victims of crime.

3) **CLAIMS: Approval of all claims processed through Tuesday, April 25, 2006.**

MOTION: Heier moved and Workman seconded approval of all claims processed through April 25, 2006. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

- A. Continuation of a public hearing regarding an application for Corporate Manager for Candi Ryan and a new application for a Class C (Spirits, Wine, Beer On & Off Sale) liquor license for Ron's Pub, Inc. d/b/a Ron's Place located at 13940 East "O" Street, in Lancaster County, Nebraska. (See New Business Item 6A for correlating documentation.)**

The Chair reconvened the hearing and asked if anyone wished to provide testimony.

No one appeared and the hearing was closed.

- B. County Special Permit No. 06016, requested by James and Wendy O'Brien, for authority to locate and live in a mobile home while building a permanent residence, pursuant to Article 13.001(20) of the Lancaster County Zoning Resolution, on property generally located at Southwest 119th Street and West Midway Road, Lancaster County, Nebraska. (See New Business Item 6B for correlating documentation.)**

The Chair opened the public hearing and asked if anyone wished to provide testimony.

No one appeared and the hearing was closed.

- C. County Special Permit No. 06009, Chambers Estates Community Unit Plan, requested by Engineering Design Consultants on behalf of Jim and Phyllis Chambers, for authority to develop sixteen residential acreages on property located northeast of the intersection of South 54th Street and Wittstruck Road, Lancaster County, Nebraska. (See New Business Item 6C for correlating documentation.)**

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The Deputy Clerk administered the oath to Brandon Garrett, representing Jim and Phyllis Chambers.

Garrett gave a brief overview of the proposal, noting the Community Unit Plan has met the conditions for approval set forth by the Planning Commission.

4) **PUBLIC HEARINGS CONTINUED:**

Workman inquired about disclosure of an existing airstrip when the lots are sold.

Garrett stated there is specific language in their plan that there would be continued use of the airfield. He added that there is a significant buffer between the airstrip and the closest lot.

Heier asked if it would remain a private airstrip.

Garrett responded that it would.

The Deputy Clerk administered the oath to Jim Chambers, applicant.

Chambers stated an extensive zoning process was completed several years ago regarding private airstrips. He stated the airport does fall under those regulations which do allow up to four aircraft to be domiciled at the airport, however, it is the owner's decision whether he/she wants to allow any other aircraft. He added that there will also be disclosure of the airstrip.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **OLD BUSINESS:**

A. A resolution in the matter of County Final Plat No. 05094: Wyndam Place 2nd Addition, consisting of two lots and one outlot on property generally located at North 176th and Holdrege Streets, and more specifically Knotting Drive and North 179th Street, Lancaster County, Nebraska. (R-05-0152) (Removed from Pending on April 11, 2006.)

B. A subdivision agreement with Bernie and Connie Heier, for County Final Plat No. 05094, Wyndam Place 2nd Addition, on property generally located at North 176th and Holdrege Streets, more specifically Knotting Drive and North 179th Street, Lancaster County, Nebraska. (C-05-0575) (Removed from Pending on April 11, 2006.)

Heier declared a conflict of interest and exited the Hearing Room at 2:05 p.m..

5) **OLD BUSINESS CONTINUED:**

Workman asked if the option to incorporate the 20 acre lot was included.

Mike DeKalb, Planning Department, responded he didn't know, however, the Planning Department has received a request for an administrative amendment to reflect the new lot arrangement agreed on.

Kent Seacrest, attorney representing Connie and Bernie Heier, appeared and stated they are asking the County Board to approve the 20-acre lot after which they would request an administrative amendment to amend the Community Unit Plan.

MOTION: Workman moved and Hudkins seconded approval of a subdivision agreement with Bernie and Connie Heier, for County Final Plat No. 05094, Wyndam Place 2nd Addition, on property generally located at North 176th and Holdrege Streets which defines the 20-acre lot and the access to Holdrege Street. Hudkins, Workman and Schorr voted aye. Heier was absent from voting. Motion carried.

Heier re-entered the Hearing Room at 2:15 p.m..

6) **NEW BUSINESS:**

A. A resolution in the matter of an application for Corporate Manager for Candi Ryan and an application for a Class C (Spirits, Wine, Beer On and Off Sale) liquor license for Ron's Pub, Inc. d/b/a Ron's Place located at 13940 East "O" Street, Lincoln, Lancaster County, Nebraska. (R-06-0036)

MOTION: Workman moved and Hudkins seconded approval of Resolution 06-0036 recommending denial of an application for Corporate Manager for Candi Ryan and an application for a Class C (Spirits, Wine, Beer On and Off Sale) liquor license for Ron's Pub, Inc. d/b/a Ron's Place located at 13940 East "O" Street, Lincoln, Lancaster County, Nebraska.

Workman indicated he recommended denial because the application was not initially completed in its entirety and extra effort was made by the Sheriff's Office to obtain all of the information. He also stated he was concerned about Ms. Ryan's criminal record.

6) **NEW BUSINESS CONTINUED:**

Hudkins concurred with Workman's concerns and indicated that the Legislature has recently recognized that need and proximity of similar or like services should be reviewed. He stated he felt there were an adequate number of establishments located on East "O" Street to serve individuals living in the area.

ROLL CALL: Workman, Hudkins and Schorr voted aye. Heier voted no. Motion carried.

B. A resolution in the matter of County Special Permit No. 06016 requested by James and Wendy O'Brien, for authority to locate and live in a mobile home while building a permanent residence on property generally located at SW 119th Street and West Midway Road, Lancaster County, Nebraska. (R-06-0033)

MOTION: Workman moved and Heier seconded approval of Resolution 06-0033 in the matter of County Special Permit No. 06016 requested by James and Wendy O'Brien, for authority to locate and live in a mobile home while building a permanent residence on property generally located at SW 119th Street and West Midway Road, Lancaster County, Nebraska. Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

C. A resolution in the matter of County Special Permit No. 06009, requested by Jim and Phyllis Chambers, for authority to develop 16 residential acreages on property generally located at South 54th Street and Wittstruck Road, Lancaster County, Nebraska. (R-06-0034)

MOTION: Workman moved and Heier seconded approval of Resolution 06-0034 in the matter of County Special Permit No. 06009, requested by Jim and Phyllis Chambers, for authority to develop 16 residential acreages on property generally located at South 54th Street and Wittstruck Road, Lancaster County, Nebraska. Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

D. A resolution in the matter of an application for Corporate Manager for Jason R. Thiesen in connection with a Class ID (Spirits, Wine, beer, On and Off Sale) liquor license held by Firethorn Golf Company, L.L.C. d/b/a Firethorn Golf Club located at 9301 Firethorn Lane, Lincoln, Lancaster County, Nebraska. (R-06-0035)

MOTION: Heier moved and Workman seconded approval of Resolution 06-0035 in the matter of an application for Corporate Manager for Jason R. Thiesen in connection with a Class ID (Spirits, Wine, beer, On and Off Sale) liquor license held by Firethorn Golf Company, L.L.C. d/b/a Firethorn Golf Club located at 9301 Firethorn Lane, Lincoln, Lancaster County, Nebraska. Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

E. A resolution authorizing the installation of traffic signs at the following locations: (R-06-0037)

- ▶ A "Reduced Speed Ahead" sign on Northwest 105th Street, 1,600 feet south of West Bluff Road for southbound traffic
- ▶ A "35 Mile Per Hour Speed Limit" sign on Northwest 105th Street 1,800 feet south of West Bluff Road for southbound traffic
- ▶ A "50 Mile Per Hour Speed Limit" sign on Northwest 105th Street 1,800 feet south of West Bluff Road for northbound traffic

MOTION: Heier moved and Hudkins seconded approval of Resolution 06-0037 the installation of traffic signs. Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

F. A program resolution regarding the reconstruction of South 68th Street from Hickman Road to Roca Road. The resolution requests the Nebraska Department of Roads to program for Federal funding of the project. The estimated cost of the project is \$1,070,000. (R-06-0038)

MOTION: Hudkins moved and Workman seconded approval of Resolution 06-0038 regarding the reconstruction of South 68th Street from Hickman Road to Roca Road. Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

G. A contract with Hartmann Construction Company, in the total amount of \$207,993.44, to grade Rokeby Road from South 56th to South 70th Streets (Part I) and the intersection of Northwest 70th and West Adams Streets (Part II) to meet current standards. Work will begin on Part I on or before May 22, 2006 and be completed within 40 working days. Work on Part II will begin on or before July 24, 2006 and be completed within 20 working days. (C-06-0144)

MOTION: Hudkins moved and Heier seconded approval of a contract with Hartmann Construction Company, in the total amount of \$207,993.44, to grade Rokeby Road from South 56th to South 70th Streets (Part I) and the intersection of Northwest 70th and West Adams Streets (Part II) to meet current standards. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

H. A grant contract with St. Monica's, in the amount of \$31,924, for funding for partial care and short term residential treatment, drug testing and staff coordination for those clients referred from Lancaster County's Drug Court. Term of the grant contract is December 1, 2005 through June 30, 2006. (C-06-0145)

MOTION: Heier moved and Workman seconded approval of a grant contract with St. Monica's, in the amount of \$31,924, for funding for partial care and short term residential treatment, drug testing and staff coordination for those clients referred from Lancaster County's Drug Court. Hudkins, Workman, Heier and Schorr voted aye. Motion carried.

I. A contract with Whitehead Oil Company for annual requirements for small load motor fuel for the County Engineering Department. Term of the contract begins on March 1, 2006 and ends February 28, 2009 with an option to renew for an additional three year period with mutual consent. Unit prices and products are outlined in Specification 06-054. (C-06-0150)

This item was held for one week.

J. Authorization for the Chair of the Lancaster County Board to sign an Environmental Assessment Checklist for the U.S. Department of Housing and Urban Development relating to RRJ, LLC d/b/a Legacy Dairy and Creamery. (C-06-0151)

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Heier seconded to approve the authorization for the Chair of the Lancaster County Board to sign an Environmental Assessment Checklist for the U.S. Department of Housing and Urban Development relating to RRJ, LLC d/b/a Legacy Dairy and Creamery. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

K. Renewal of a maintenance agreement with Environmental Systems Research Institute, Inc. (ESRI), in the amount of \$15,863.01, for the ARC/Info Software that is used by the County Engineer's and County Assessor/Register of Deeds' Geographic Information System (GIS) system. The agreement covers technical support, software upgrades and User Conference registrations requested by the County Engineer and County Assessor/Register of Deeds for their GIS system. Term of the agreement is July 21, 2006 through July 20, 2007. (C-06-0146)

This item was deferred for one week.

L. A sub-grant award agreement between Lancaster County and the Nebraska Emergency Management Agency (NEMA), in the amount of \$45,456, for the Department of Homeland Security Grant Program for fiscal year 2006.

MOTION: Heier moved and Workman seconded approval a sub-grant award agreement between Lancaster County and the Nebraska Emergency Management Agency (NEMA), in the amount of \$45,456, for the Department of Homeland Security Grant Program for Fiscal Year 2006. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

M. Recommendation from the Purchasing Agent and the Lancaster County Noxious Weed Control Superintendent to award a bid to Pro Mow, Big Red Lawn Care, Inc., DeAngelo Brothers, Inc. and Lee's Lawn Maintenance for annual weed control services within the County and for the City of Lincoln weed abatement program at rates as specified in the bid. (B-06-0017)

6) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Heier seconded approval to award a bid to Pro Mow, Big Red Lawn Care, Inc., DeAngelo Brothers, Inc. and Lee's Lawn Maintenance for annual weed control services within the County and for the City of Lincoln weed abatement program at rates as specified in the bid. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

N. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Micheels Construction Company, in the amount \$54,272, for armor coat on Southwest 114th Street; Project No. 06-39. (B-06-0018)

MOTION: Hudkins moved and Workman seconded to award a bid to Micheels Construction Company, in the amount \$54,272, for armor coat on Southwest 114th Street; Project No. 06-39 as recommended by the Purchasing Agent and the County Engineer. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

O. Acceptance and approval of a Temporary Retirement Buyout Program application and agreement with Rodney T. Jacobs, a Lancaster County Deputy Sheriff.

MOTION: Hudkins moved and Heier seconded approval of the acceptance and approval of a Temporary Retirement Buyout Program application and agreement with Rodney T. Jacobs, a Lancaster County Deputy Sheriff. Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

P. Reappointment of Lynette Nelson to the Lancaster County Board of Zoning Appeals for a five year term, expiring March 31, 2011.

MOTION: Heier moved and Hudkins seconded approval of the reappointment of Lynette Nelson to the Lancaster County Board of Zoning Appeals for a five year term, expiring March 31, 2011. Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

7) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

1. Noxious Weed Control Authority's Monthly Report for March, 2006.
2. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for March, 2006.
3. County Attorney's Quarterly Report for January, 2006 through March, 2006.

B. Setting of a public hearing for Tuesday, May 2, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an increase in appropriations for the County Property Management Fund and Families First and Foremost Fund. The original Property Management Fund budget of \$1,042,728 needs to be increased \$152,000 due to unanticipated repairs to Trabert Hall and a rate increase for gas and electricity not anticipated at the time the budget was adopted. The Families First and Foremost Fund budget of \$4,093,373 needs to be increased by \$3,000 to allow for the final transfer of all funds.

C. Setting of public hearings for Tuesday, May 9, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. County Board of Zoning Appeals, Appeal No. 06001, requested by Marcia Murray, for a variance to the lot area, width and minimum frontage on property located at 2840 West Martell Road, Lancaster County, Nebraska.
2. County Final Plat No. 05097, Four Stones Addition, requested by Craig Gana, for 14 lots and five outlots on property generally located in the mile section bounded by Southwest 14th Street to Southwest 29th Street and West Stagecoach Road to West Panama Road, Lancaster County, Nebraska.
3. County Special Permit No. 06020, requested by Ed and Linda Stich, for authority to operate a veterinary facility on property generally located at North 84th Street and Branched Oak Road, Lancaster County, Nebraska.

7) CONSENT ITEMS CONTINUED:

- D. Setting of a public hearing for Tuesday, May 16, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for Corporate Manager for Holly Christine Horsham and a new application for a Class I (Spirits, Wine, Beer, On Sale Only) liquor license from Ely's Service, Inc. d/b/a Marina Bay Grill (formerly Castaways Bar & Grill on Branched Oak) located at 10005 West Davey Road, Raymond, Lancaster County, Nebraska.
- E. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:
- ▶ Annie Smith, an employee with the Corrections Department
 - ▶ Michelle L. Wiseman, an employee with the Community Mental Health Center
- F. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:
- ▶ Kevin M. and Marie A. McCoy, in the amount of \$80, on West "A" Street from Southwest 84th Street to the Burlington Northern Sante Fe Railroad; Project C55-M-405(1). (C-06-0147)
 - ▶ Bradley L. and Stacey A. Fuehrer, in the total amount of \$4,401, on West "A" Street from Southwest 84th Street to the Burlington Northern Sante Fe Railroad; Project C55-M-405(1). (2 contracts) (C-06-0148 and C-06-0149)

MOTION: Hudkins moved and Heier seconded approval of the Consent Items. Heier, Hudkins, Workman and Schorr voted aye. Motion carried.

- 8) **PENDING:** *Items currently on pending may be removed at the discretion of the Board and scheduled for action on a regular Board of Commissioners agenda following a two week notification period.*

MOTION: Workman moved and Hudkins seconded to remove Pending Item 8A: County Change of Zone No. 04053, from AG Agricultural District to AGR Agricultural Residential District, requested by Mark Hunzeker on behalf of Wapiti Enterprises, Inc., on property generally located at the southeast corner of Southwest 40th Street and Rokeby Road in Lancaster County, Nebraska and to send notification. Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Heier moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:30 p.m.. Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 25, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins

Commissioners Absent: Ray Stevens

Others Present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 18, 2006.**

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on April 18, 2006. Hudkins, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 2 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Heier moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**First Church of the Nazarene
Grace Lutheran Church
Lincoln Baptist Church
Reach Out Christian Center**

MOTION: Workman moved and Heier seconded approval of the motor vehicle tax exemptions. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Workman moved and Heier seconded adjournment of the Board of Equalization meeting at 2:31 p.m.. Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk